

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

BETTY ELAINE HERLEIN

338 PINE VIEW LANE

HOLLAND

MI 49424

Case No: D G 21-01416

Date Filed: 6/1/21

Chapter 13

Honorable: Scott W. Dales

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Debtor(s) /

**TRUSTEE'S MOTION TO DISMISS THE CHAPTER 13 PROCEEDINGS AND  
NOTICE OF MOTION PURSUANT TO 11 U.S.C. 1307(c)**

The Chapter 13 Trustee, **Brett N. Rodgers**, hereby moves this Court to dismiss the above captioned Chapter 13 case for the following reasons pursuant to 11 U.S.C. 1307(c):

(x ) 1307(c)(1) Unreasonable delay by the debtor that is prejudicial to creditors:

( X ) Failure to cooperate with the Trustee and provide the following documents pursuant to 11 U.S.C § 521 and Bankruptcy Rule 4002: 2020 Tax returns or affidavit not required to file tax returns and evidence of homeowners insurance.

(X ) 1307(c)(4) Failure to commence making timely payments under section 1326.

( X ) Plan payment arrears in the amount of \$3,870. Date of last payment: N/A

(X ) Plan exceeds 60 months in violation of § 1322(d)(2)(C); the plan is currently running 76 months. Plan amendment to increase payments to at least \$2,025 per month to bring within 60 months.

(X ) Other: Amend plan to either provide future plan payments or remove the check mark stating debtor will be paying in additional future payments.

Note: As a result of the above Motion being made, your case could be converted to a Chapter 7 case.

**NOTICE OF MOTION**

Take notice that if a timely response is filed the within motion will be heard before the Honorable Scott W. Dales on **9/28/21** at **9:00** A.M. This hearing will be held at the U.S. Bankruptcy Court, One Division Ave NW, 2nd Floor, Courtroom A, Grand Rapids, MI 49503.

If you wish to oppose the Motion you must file a written response with the Bankruptcy Court at One Division Ave.,N. Room 200, Grand Rapids, MI 49503 and serve a copy upon the Chapter 13 Trustee at 99 Monroe Ave NW, Suite 601, Grand Rapids MI 49503 within 30 days of the date on which the Bankruptcy Noticing Center (BNC) served this Motion to Dismiss. The response filed must comply with Local Bankruptcy Rule 9013(d) and must state with particularity the reasons why the Trustee's Motion should not be granted. If a timely response is not filed, the Chapter 13 Trustee may at any time after the expiration of the 30 day period, file with the Court a certificate stating that no timely response or request for hearing has been filed together with a proposed Order Dismissing the case and cancel the scheduled hearing date as moot.

Dated: 8/2/2021

/s/ Brett N. Rodgers

**Brett N. Rodgers, Trustee**

**PROOF OF SERVICE**

This Motion to Dismiss was served electronically upon the attorney for the debtor(s), if applicable, and the debtor(s) by the BNC.

**ATTORNEY FOR DEBTOR(S):** JEFFREY D MAPES PLC